

REMARKS

This reply is being filed with a Request for Continued Examination ("RCE"). Upon entry of the present amendment, claims 1, 2, 4-13, 79-82, 93-108, and 110-117 will be pending, claims 5-13, 79-82, 93-99, 101-103 and 105-108 being withdrawn. Applicants have amended claims 1, 100, 111-113, and 115-117 to recite the claimed subject matter with even more clarity. These amendments do not introduce any new matter.

35 U.S.C. § 103

The Office rejected claims 1, 2, 100 and 110-117 as allegedly obvious over Cope et al. (U.S. Patent No. 5,658,531; "Cope") in view of Kvitrud (U.S. Patent No. 4,632,672). According to the Office Action (at pages 2 and 3)

Cope teaches (Figure 2): a carrier 38, 36 in a device 20 with shoulder 32 and reservoir 28. A flange extends vertically above the shoulder 32, encircling carrier 38, 36 when it is depressed ... The device and carrier may resemble a conventional syringe ... Cope fails to teach a compression fit between the carrier and flange ... Kvitrud teaches that typical syringes include a groove in the piston in which an o-ring is seated for a compressive seal between the piston and barrel. It would have been obvious to provide an o-ring in the carrier Cope in order to provide a compressive seal between the carrier and flange as taught by Kvitrud so as to form the carrier and flange as a conventional syringe and piston as taught by Cope.

Applicants disagree and traverse for the reasons set forth below.

As an initial matter, applicants note that the Office Action omits from the obviousness rejection pending and non-withdrawn claims 4 (dependent upon claim 1) and 104 (dependent upon claim 100), but does not otherwise indicate their disposition. Applicants respectfully request that the Office clarify the status of claims 4 and 104. In any event, applicants submit that these claims are patentable for at least the reasons stated herein.

Cope describes (at column 3, lines 34-35; and column 4, line 34) sample collector/dispenser 20 that has an annular seal 32. Referring to Figure 2 of Cope, the Office Action (at page 2) points to the portion that extends vertically above annular seal 32 as equivalent to a flange. There is no specific reference in Cope to a portion that extends above annular seal 32, or to a "flange." Thus, applicants are uncertain as to

which part in Figure 2 the Office considers to be a “flange.” As seen in Figure 2 of Cope, the only portion that extends vertically above annular seal 32 appears to be the body portion or the barrel of collector/dispenser 20, e.g., the barrel of a syringe. In fact, the Office Action appears to acknowledge that collector/dispenser 20 is a syringe.¹ Applicants submit that no skilled practitioner would construe the barrel of a syringe to be a flange, and that the body portion or the barrel of collector/dispenser 20 cannot fairly be read to be a flange. Thus, Cope fails to describe or suggest an extraction unit having, *inter alia*, a carrier-receiving portion at the first end comprising at least one flange that projects from the shoulder. Reading Cope, those skilled in the art would not have been led to such an extraction unit.

Moreover, claim 100 and its dependent claims recite an extraction unit having, *inter alia*, a raised landing portion comprising a landing surface adapted to contact the bottom surface of the carrier and disposed within the carrier-receiving portion. Cope does not suggest a device having such a raised landing portion, and the Office has not pointed to anything in the reference that suggests otherwise. Therefore, Cope would not have led those skilled in the art to the extraction unit recited in claim 100 and its dependent claims.

In addition, claims 111-113 and 115-117 recite an extraction unit having multiple (e.g., at least two, at least three and four) flanges that each projects from the shoulder, comprises an inner surface, and is configured to secure the carrier to the extraction device in a compression-fit engagement. According to the Office Action (at page 3), Cope’s “shoulder” 32 (referred to as annular seal 32 in Cope) is equivalent to applicants’ second flange, lip 34 is equivalent to applicants’ third flange, and Cope’s “flange” to which latch 42 is attached is equivalent to applicants’ fourth flange. Applicants disagree. First, applicants respectfully submit that it is improper for the Office to construe annular seal 32 as both a “shoulder” and a “flange,” as these are clearly two separate and distinct elements in the present claims. Further, it is clear from Cope’s Figure 2 that these

¹ The Office’s rationale for combining Cope and Kvitrud seems to be that, since Kvitrud discloses that the piston of typical syringes has an o-ring, those skilled in the art would have incorporated an o-ring into the syringe described in Cope (see paragraph 8 in the Office Action).

elements do not each projects from the shoulder, comprises an inner surface, and are not configured to secure the carrier to the extraction device in a compression-fit engagement. As seen in Figure 2, Cope's lip 34 projects from the body portion of collector/dispenser 20, and not from "shoulder" 32. Further, lip 34 is not configured to secure the "carrier" (piston 36 according to the Office) to the extraction device in a compression-fit engagement. The fourth "flange," according to the Office's construction, appears to be circular barbs 41, since latch 42 is shown attached to it in Figure 2. Circular barbs 41, among other things, do not project from "shoulder" 32. Thus, Cope also does not describe or suggest the extraction unit recited in claims 111-113 and 115-117.

Kvitrud fails to remedy these deficiencies of Cope. The Office cited Kvitrud for disclosing that the piston of typical syringes has an o-ring for a compressive seal between the piston and the barrel of the syringe. There is nothing in Kvitrud to suggest the flange or the raised landing portion recited in the present claims. Thus, Kvitrud does not provide any additional information that would lead a skilled practitioner to the claimed extraction unit.

In view of the foregoing, applicants submit that Cope and Kvitrud, whether considered individually or combined, fail to teach or suggest every element recited in the claims. Therefore, these references would not have led those skilled in the art to the claimed extraction unit. Accordingly, the present claims are not obvious over these references, individually or in combination. Reconsideration and withdrawal of the present rejection are respectfully requested.

CONCLUSION

Applicants respectfully request that all claims be allowed. Applicants do not concede any positions of the Examiner that are not expressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims. The fees for the RCE and the three-month extension of time in the amount of \$1060 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14255-0034001.

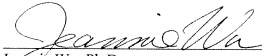
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Respectfully submitted,

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